

**Introduced by Senator Romero**

February 15, 2005

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An act to amend Section 1771.7 of the Health and Safety Code, relating to continuing care retirement communities.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 244, as introduced, Romero. Continuing care retirement communities.

Existing law provides for the regulation by the State Department of Social Services of activities relating to continuing care contracts that govern care provided to an elderly resident in a continuing care retirement community for the duration of the resident's life or a term in excess of one year. Existing law sets forth particular rights to which a resident of a continuing care retirement community is entitled, in addition to any otherwise applicable civil or legal rights, benefits, or privileges. These rights include, among others, the right to live in an attractive, safe, and well maintained physical environment, and the right to organize and participate freely in the operation of resident associations.

This bill would make technical, nonsubstantive changes to the provisions relating to the rights of a continuing care retirement community resident.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 1771.7 of the Health and Safety Code is
- 2 amended to read:

1 1771.7. (a) No resident of ~~any~~ a continuing care retirement  
2 community shall be deprived of any civil or legal right, benefit,  
3 or privilege guaranteed by law, by the California Constitution, or  
4 by the United States Constitution solely by reason of status as a  
5 resident of a community. In addition, because of the discretely  
6 different character of residential living unit programs that are a  
7 part of continuing care retirement communities, this section shall  
8 augment Chapter 3.9 (commencing with Section 1599), Section  
9 73523 of Title 22 of the California Code of Regulations, and  
10 applicable federal law and regulations.

11 ~~(b) All residents in residential living units~~ *A resident in a*  
12 *residential living unit* shall have all of the following rights:

13 (1) To live in an attractive, safe, and well maintained physical  
14 environment.

15 (2) To live in an environment that enhances personal dignity,  
16 maintains independence, and encourages self-determination.

17 (3) To participate in activities that meet individual physical,  
18 intellectual, social, and spiritual needs.

19 (4) To expect effective channels of communication between  
20 residents and staff, and between residents and the administration  
21 or provider's governing body.

22 (5) To receive a clear and complete written contract that  
23 establishes the mutual rights and obligations of the resident and  
24 the continuing care retirement community.

25 (6) To maintain and establish ties to the local community.

26 (7) To organize and participate freely in the operation of  
27 resident associations.

28 (c) A continuing care retirement community shall maintain an  
29 environment that enhances the residents' self-determination and  
30 independence. The provider shall do both of the following:

31 (1) Permit the formation of a resident association by interested  
32 residents who may elect a governing body. The provider shall  
33 provide space and post notices for meetings, and provide  
34 assistance in attending meetings for those residents who request  
35 it. In order to permit a free exchange of ideas, at least part of  
36 each meeting shall be conducted without the presence of any  
37 continuing care retirement community personnel. The association  
38 may, among other things, make recommendations to  
39 management regarding resident issues that impact the residents'  
40 quality of life. Meetings shall be open to all residents to attend as

1 well as to present issues. Executive sessions of the governing  
2 body shall be attended only by the governing body.

3 (2) Establish policies and procedures that promote the sharing  
4 of information, dialogue between residents and management, and  
5 access to the provider's governing body. The provider shall  
6 biennially conduct a resident satisfaction survey that shall be  
7 made available to the resident association or its governing body,  
8 or, if neither exists, to a committee of residents at least 14 days  
9 prior to the next semiannual meeting of residents and the  
10 governing board of the provider required by subdivision (c) of  
11 Section 1771.8. A copy of the survey shall be posted in a  
12 conspicuous location at each facility.

13 (d) In addition to any statutory or regulatory bill of rights  
14 required to be provided to residents of residential care facilities  
15 for the elderly or skilled nursing facilities, the provider shall  
16 provide a copy of the bill of rights prescribed by this section to  
17 each resident at or before the resident's admission to the  
18 community.

19 (e) The department may, upon receiving a complaint of a  
20 violation of this section, request a copy of the policies and  
21 procedures along with documentation on the conduct and  
22 findings of any self-evaluations and consult with the Continuing  
23 Care Advisory Committee for determination of compliance.

24 (f) Failure to comply with this section shall be grounds for the  
25 imposition of conditions on, suspension of, or revocation of the  
26 provisional certificate of authority or certificate of authority  
27 pursuant to Section 1793.21.